

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE AIR CARGO SHIPPING
SERVICES ANTITRUST LITIGATION

MDL No. 1775

Master File 06-MD-1775 (JG) (VVP)

STIPULATION AND ~~ORDER~~
ORDER

The parties have met and conferred regarding the procedure for resolving the class certification and *Daubert* motions and the hearing scheduled for October 16-17, 2013 (hereafter, "the hearing"). The parties jointly propose the following, subject to the Court's approval:

1. There will be no depositions of experts submitting declarations regarding the *Daubert* motions (i.e., Gordon Rausser for Plaintiffs and rebuttal expert(s) (if any) presented by Defendants in opposition to the *Daubert* motions) (collectively, "*Daubert* experts").

2. There will be no live expert testimony by those *Daubert* experts at the hearing.

3. *Daubert* issues at the hearing will be addressed in arguments by counsel at the end of the hearing, after all testimony and arguments regarding class certification have been completed.

4. The hearing will proceed as follows:

First, on Class Certification:

- Opening statements of counsel, not to exceed 45 minutes per side;
- Testimony of Plaintiffs' class certification experts, Robert D. Tollison and James T.

McClave, followed by cross examination;

- Testimony of Defendants' class certification experts – David P. Kaplan, Michelle Burtis, and Frederick R. Warren-Boulton (or any subset thereof) – followed by cross examination;

- Arguments of counsel on the class certification motion.

Then, with respect to the *Daubert* motions, arguments of counsel only.

5. The parties agree that at least some part of a third day probably will be necessary for completion of the arguments, and therefore request that the Court reserve October 18 (assuming that day is available on the Court's schedule).

Respectfully submitted this 7th_ day of June, 2013.

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IT IS SO ORDERED:

Date: June 10, 2013


Viktor V. Pohorelsky
United States Magistrate Judge